REMARKS

This responds to the Office Action mailed on April 17, 2008.

Claims 1, 16, 25, and 34 include proposed amendments. Claims 1, 3-25, and 27-36 are pending in this application. Support for the amendments is found generally within the Patent Application (*see* e.g., pg. 4 lines 8-25). Applicant did not present the amendment earlier because Applicant was not aware of the Taylor reference cited by the Examiner in the Final Office Action. Applicant respectfully requests entry of the amendments under 37 C.F.R. 1.116.

Examiner Interview

Applicant thanks Examiner Antony Nguyen Ba for the telephonic interview on June 17, 2008. A proposed amendment to claim 1 was discussed during the interview, but no final agreement was reached during the interview.

Claim 1 includes a different amendment from what was proposed during the interview. Applicant believes that all claims are in allowable form at least for the reasons discussed below. Accordingly, Applicant respectfully requests allowance of all pending claims.

§102 Rejection of the Claims

Claims 25 and 27-36 were rejected under 35 U.S.C. § 102(b) for anticipation by Taylor et al. (US 2002/0138641, "Taylor"). Applicant respectfully submits that anticipation does not exist for these claims because Taylor fails to teach some of the elements recited or incorporated into the claims as presently proposed.

For example, Applicant cannot find in the cited portions of Taylor any teaching of, among other things,

> from a first network location, configuring a playlist of video files, the video files being stored in at least one second network location connected to the first network location via the network and the playlist configured in a third location,

as recited in claim 25 and incorporated into claims 27-33. Or

> a web client to communicate with each media server through the network to configure a playlist on each media server,

as recited in claim 34 and incorporated into claims 35 and 36.

Instead, Taylor states that the client requests a playlist[1] and the proxy server sends a playlist to the client.[2] Thus in Taylor, the receiving client provides some control over the content that is displayed.

Additionally, Applicant cannot find

> from the third network location, executing logical actions included in the playlist, wherein the logical actions include direct controls over the video display of the two or more video files,

as presently recited in claim 1 and similarly recited in claim 34.

Taylor apparently does not include logical actions in a playlist, but only references to media clip information or references to non-existent files on a proxy server.[3]

Applicant respectfully submits that the present claims are patentably distinct over Taylor, and Applicant respectfully requests reconsideration of the rejection and allowance of the claims.

For brevity, Applicant defers but reserves the right to present further remarks in regard to the rejection of claims 27-33, and 35-36 under 35 U.S.C. § 102(a) in view of Taylor, which are believed separately patentable based upon their additional recited language.

§103 Rejection of the Claims

1. Claims 1, 7-9, 14-18 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis (US 10/927,814) in view of Rodriguez (US 09/947,890) (Applicant is proceeding under the assumption that the Office Action intended to cite Ellis in view of Taylor in this rejection).

Claims 1 and 16 include proposed amendments to more clearly recite the subject matter. Applicant respectfully traverses the rejection because the cited portions of Ellis and Taylor, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest the present subject matter of these claims.

For example, Applicant cannot find in the cited portions of Ellis and Taylor, among other things,

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[1] Taylor, ¶0045.
[2] Taylor, ¶0047.
[3] Taylor, FIG. 5 and ¶ 0042.

> each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the logical actions include direct controls over the presentation of the video content,

as presently recited in claim 1, and similarly recited in claim 16.

The Office Action concedes that Ellis does not teach or suggest a playlist including logical actions,[4] but states that logical actions related to playing the playlist are found in Taylor. Applicant respectfully disagrees. The cited portions of Taylor refer to a play list that includes only references to media clip information or references to non-existent files on a proxy server, [5] and states that the process of requesting media clips continues until the play list has been exhausted.[6]

Taylor also states that a server includes files that may include Java applets or other embedded software programs. However, Taylor refers to these files as user activated[7] and user accessed[8] and Taylor apparently does not teach or suggest including such files in a play list. Therefore, the proposed combination of Taylor and Ellis does not teach or suggest a playlist including ... logical actions [that] include direct controls over the presentation of the video content as recited in claim 1.

Further, it would not be reasonable for one of ordinary skill in the art to combine Ellis with Taylor. Ellis refers to a television distribution facility 16 and that the user tunes set top box 28 to a desired television channel.[9] Thus, the set top box of Ellis is tuned to television content broadcast from the facility. Taylor refers to continuously playing media clips while dynamically assembling and changing the media clips, and the media is streamed across a network,[10] the play list refers to appropriate media content servers and the streaming media player requests media from the media content servers as the play list is played.[11] One of ordinary skill would not reasonably be led to use the play list of server requests of Taylor to access the broadcast television content of Ellis.

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[4] Office Action, pg. 8.
[5] Taylor, FIG. 5 and ¶ 0042.
[6] Taylor, FIG. 6 and ¶0052.
[7] Taylor, ¶0020, approx. lines 18-23.
[8] Taylor, ¶0020, line 16.
[9] Ellis, ¶0080.
[10] Taylor, Abstract and ¶0001.
[11] Taylor, ¶0051.

The Office Action states that it would be obvious to use the play list as taught in Taylor on Ellis because this would allow Ellis to provide a user with the capability to create a list of video clips or movies to be played back in the order specified by the user. However, Ellis states that, if desired, the user may record programs and program data in digital form on optional digital storage device 31.[12] Thus, one of ordinary skill would not reasonably be led to combine the list of Taylor with Ellis in order to solve a problem already solved by Ellis.

In sum, at least for the reasons set forth above, Applicant respectfully submits that the present claims are patentably distinct over the proposed combination of Ellis and Taylor, and Applicant respectfully requests reconsideration of the rejection and allowance of the claims.

For brevity, Applicant defers but reserves the right to present further remarks in regard to the rejection of claims 3-9, 14-15, 17-18, and 23 under 35 U.S.C. § 103(a) in view of Ellis and in further view of Taylor, which are believed separately patentable based upon their additional recited language.

2. Claims 10, 19-20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Taylor and further in view of Rodriguez (US 09/947,890). Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor and Rodriguez, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest the present subject matter of these claims.

For example, Applicant cannot find in cited portions of Ellis, Taylor or Rodriguez, among other things,

> each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the logical actions include direct controls over the presentation of the video content,

as presently recited in claim 1 and incorporated into claim 10, and similarly recited in claim 16 and incorporated into claims 19, 20, and 22.

As set forth above, Applicant believes that neither Ellis or Taylor teach or suggest logical actions, including logical actions that provide direct control over the presentation of the video content. Applicant respectfully submits that Rodriguez either alone or in combination with Ellis

[12] Ellis, ¶0083.

and Taylor does not teach or suggest a playlist including ... logical actions related to playing the playlist, wherein the logical actions include direct controls over the presentation of the video content as recited in claim 1.

Instead, Rodriguez relates to television service enhancement.[13] The cited portions of Rodriguez refer to a rental period selection screen where a user may apparently rent more than one viewing.[14] However, Rodriguez does not teach or suggest including the multiple viewings in a playlist, and presumably a user would want control over when to view the rentals rather than giving such control to a playlist. The cited portions of Rodriguez also refer to Video on Demand (VOD) service enhancement selection screen where a user may select service enhancement options such as fast-forward or fast rewind.[15] However, the service enhancement options are not included in a playlist, and presumably a user would want control over them as well rather than giving fast forward and fast rewind control to a playlist. Thus, Rodriguez either separately or combined with Ellis and Taylor does not teach or suggest placing such commands in a playlist.

The Office Action states that it would have been obvious for one of ordinary skill in the art to use the features in Rodriguez in the combination of Ellis and Taylor, as this would allow the user to repeat the playback of a favorite content or to provide a user with all commands needed to manage the playback of the video content, thereby enhancing the user's experience with interactive TV.[16] Applicant respectfully submits that placing such commands as fast forward and repeat viewing in a playlist executed by a server would not enhance the user's experience with interactive TV, but the user would want sole control of such commands.

Further, it would not be reasonable for one of ordinary skill in the art to combine Ellis and Rodriguez with Taylor. Ellis refers to a television distribution facility 16 and that the user tunes set top box 28 to a desired television channel.[17] Rodriguez relates to television service enhancement.[18] Taylor refers to continuously playing media clips while dynamically assembling and changing the media clips, and the media is streamed across a network,[19] the play list refers to

[13] Rodriguez, Abstract.
[14] Rodriguez, FIG. 11 and ¶0051.
[15] Rodriguez, ¶0052 and FIG. 12.
[16] Office Action, pg. 13.
[17] Ellis, ¶0080.
[18] Rodriguez, Abstract.
[19] Taylor, Abstract and ¶0001.

appropriate media content servers and the streaming media player requests media from the media content servers as the play list is played.[20] One of ordinary skill would not reasonably be led to use the play list of server requests of Taylor to access the broadcast television content of Ellis or to activate the service enhancements of the interactive TV of Rodriguez.

Accordingly, at least for the reasons set forth above, Applicant respectfully submits that the present claims are patentably distinct over the proposed combination of Ellis, Taylor and Rodriguez, and Applicant respectfully requests reconsideration of the rejection and allowance of the claims.

3. Claims 3-6 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Taylor et al, and further in view of Pendakur (US 10/044,544). Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor and Pendakur, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest the present subject matter of these claims.

For example, Applicant cannot find in the cited portions of Ellis, Taylor or Pendakur, among other things,

> each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the logical actions include direct controls over the presentation of the video content,
>
> as presently recited in claim 1 and incorporated into claims 3-6 and 11.

Additionally, one of ordinary skill in the art would not reasonably be lead to combine Pendakur and Taylor with Ellis. Pendakur refers to a content provider system that consists of a package generation process that assigns metadata to allow a receiver to determine whether a particular consumer will be interested in a particular piece of content.[21] Taylor refers to continuously playing media clips while dynamically assembling and changing the media clips, and the media is streamed across a network,[22] the play list refers to appropriate media content servers and the streaming media player requests media from the media content servers as the

[20] Taylor, ¶0051.
[21] Pendakur, ¶0051.
[22] Taylor, Abstract and ¶0001.

play list is played.[23] Ellis refers to a television distribution facility 16.[24] Applicant respectfully submits that the packaging content of Pendakur is not useful for the television system of Ellis. Therefore, one of ordinary skill in the art would not reasonably be led to combine Pendakur with Ellis.

Applicant respectfully requests reconsideration and allowance of claims 3-6 and 11.

4. Claims 12 an 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Taylor, further in view of Pendakur, and further in view of Brooks (US 09/956,688). Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor, Pendakur and Brooks, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest the present subject matter of these claims.

For example, Applicant cannot find in the cited portions of Ellis, Taylor, Pendakur or Brooks, among other things,

> each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the logical actions include direct controls over the presentation of the video content,

as presently recited in claim 1 and incorporated into claims 12 and 13.

Additionally, one of ordinary skill in the art would not reasonably be lead to combine Brooks with Pendakur, Ellis and Taylor. The Office States that the motivation to combine the references would have been to enable the media server to determine if there were any viewers within a given distance. However, Ellis refers to an interactive program guide.[25] Therefore, there is no need in Ellis for the sensor of Pendakur to determine whether a user is present because the devices are interactive.

Applicant respectfully requests reconsideration and allowance of claims 12 and 13.

5. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Taylor and further in view of Brooks. Applicant respectfully traverses the rejection because

[23] Taylor, ¶0051.
[24] Ellis, ¶0080.
[25] Ellis, Abstract.

the cited portions of Ellis, Taylor and Brooks, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest the present subject matter of these claims.

For example, Applicant cannot find in the cited portions of Ellis, Taylor or Brooks, either separately or in combination, among other things,

> each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the logical actions include direct controls over the presentation of the video content,

as presently recited in claim 1 and incorporated into claim 21. Applicant respectfully requests reconsideration and allowance of claim 21.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 612-371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date June 26, 2008

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26 day of June 2008.

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